

AMENDED IN SENATE JUNE 20, 2006

AMENDED IN SENATE JUNE 7, 2006

AMENDED IN SENATE MAY 8, 2006

AMENDED IN ASSEMBLY JANUARY 23, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Wolk

February 18, 2005

An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Wolk. Avian—~~flu~~ *influenza* wildlife surveillance.

Existing law creates the Fish and Game Commission in the Resources Agency, and provides for the regulation by the Department of Fish and Game of the taking of various bird species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.

This bill would enact the Avian—~~Flu~~ *Influenza* Wildlife Surveillance Act to require the Resources Agency, in consultation with the *department, the* Department of Food and Agriculture, the State

Department of Health Services, the Office of Emergency Services, and the University of California, to develop and implement a plan for the surveillance, monitoring, sampling, diagnostic testing, and reporting of avian influenza in wild birds and animals in the state, among other things. The bill would require the Secretary of the Resources Agency to establish the Avian Influenza Working Group, composed of specified members *and chaired by the Director of Fish and Game*, to assist in the development and implementation of the plan. The bill would require the ~~Director of Fish and Game~~ director, on or before October 1, 2006, to submit a status report, and on or before July 1, 2007, to compile and submit an updated report, on the development and implementation of an avian influenza detection and response plan for wild birds. The bill would require these reports to be submitted to the Legislature, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the Chair of the Senate Committee on Natural Resources and Water. The bill would appropriate \$1,000,000 from the General Fund to the Department of Fish and Game for purposes of implementing these provisions.

The bill would make legislative findings and declarations relating to avian influenza. The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 3860) is
2 added to Part 2 of Division 4 of the Fish and Game Code, to read:

3
4 CHAPTER 5. AVIAN-~~FLU~~ INFLUENZA WILDLIFE SURVEILLANCE
5 ACT
6

7 3860. This chapter shall be known, and may be cited, as the
8 Avian-~~Flu~~ Influenza Wildlife Surveillance Act.

9 3861. The Legislature finds and declares all of the following:

10 (a) Avian influenza and other emerging diseases of wildlife
11 are a serious threat to the people of California.

12 (b) California is home to large populations of migratory birds
13 and other wildlife species.

1 (c) California is a central part of the Pacific Flyway, and a
2 seasonal home to species of birds that migrate to and from Asia,
3 Central America, South America, and other regions.

4 (d) Surveillance of wild birds and animals across the state is a
5 key element among efforts to prevent avian influenza and other
6 emerging wildlife diseases from harming the people and the
7 natural resources of the state.

8 (e) In the interest of public health, the state shall support an
9 effective surveillance program for avian influenza and other
10 emerging wildlife diseases in wild bird and animal populations.

11 3862. The Resources Agency, in consultation with *the*
12 *department*, the Department of Food and Agriculture, the State
13 Department of Health Services, the Office of Emergency
14 Services, and the University of California, shall develop and
15 implement a plan for the surveillance, monitoring, sampling,
16 diagnostic testing, and reporting of avian influenza in wild birds
17 and animals in the state. The Resources Agency shall consult
18 with the United States Fish and Wildlife Service and the United
19 States Department of Food and Agriculture in developing the
20 plan.

21 3863. (a) The Secretary of the Resources Agency shall
22 formally establish the Avian Influenza Working Group to assist
23 in the development of the plan described in Section 3862. The
24 Avian Influenza Working Group shall utilize, as guidance for
25 early detection, the national protocol that has been developed to
26 guide states in developing state-specific plans, known as the
27 Early Detection System for Asian H5N1 Highly Pathogenic
28 Avian Influenza in Wild Migratory Birds. The Avian Influenza
29 Working Group shall also continue, enhance, and facilitate the
30 work already begun by the ~~Department of Fish and Game~~
31 *department*, other state departments, and the University of
32 California, to coordinate communication of information and
33 response plans for highly pathogenic avian influenza in wild
34 birds.

35 (b) The Avian Influenza Working Group shall be composed of
36 all of the following members:

37 ~~(1) One representative of the Resources Agency.~~

38 ~~(2) One representative of the department.~~

39 ~~(3) One representative of the Department of Food and~~
40 ~~Agriculture.~~

~~(4) One representative of the State Department of Health Services.~~

~~(5) One representative of the Office of Emergency Services.~~

~~(1) The Secretary of the Resources Agency, or a designee.~~

~~(2) The director, or a designee.~~

~~(3) The Secretary of Food and Agriculture, or a designee.~~

~~(4) The Director of Health Services, or a designee.~~

~~(5) The Director of the Office of Emergency Services, or a designee.~~

~~(6) One representative of appointed by the Regents of the University of California.~~

~~(7) One representative from a qualified research organization appointed by the Secretary of the Resources Agency.~~

~~(e) The Secretary of the Resources Agency shall appoint the members of the Avian Influenza Working Group as soon as practicable.~~

~~(d) The Avian Influenza Working Group shall be headed by a chairperson, selected by the working group from among its members.~~

~~(c) The director shall chair the Avian Influenza Working Group.~~

~~(e)~~

~~(d) A majority of the Avian Influenza Working Group shall constitute a quorum for the transaction of business.~~

~~(f)~~

~~(e) The duties of the Avian Influenza Working Group shall include all of the following:~~

~~(1) Developing and implementing strategies for the detection of, and response to, the avian-flu influenza virus in wild birds in California.~~

~~(2) Fostering communication among state and federal agencies regarding the avian influenza surveillance program.~~

~~(g)~~

~~(f) The Avian Influenza Working Group may consult with other public and nonprofit groups potentially affected by avian influenza in wild birds.~~

3864. On or before October 1, 2006, the director shall submit a status report, and on or before July 1, 2007, the director shall compile and submit an updated report, on the development and implementation of an avian influenza detection and response plan

1 for wild birds in the state. These reports shall be submitted to the
2 Legislature, the Chair of the Assembly Committee on Water,
3 Parks and Wildlife, and the Chair of the Senate Committee on
4 Natural Resources and Water.

5 SEC. 2. The sum of one million dollars (\$1,000,000) is
6 hereby appropriated from the General Fund to the Department of
7 Fish and Game for purposes of implementing Chapter 5
8 (commencing with Section 3860) of Part 2 of Division 4 of the
9 Fish and Game Code.

10 SEC. 3. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety
12 within the meaning of Article IV of the Constitution and shall go
13 into immediate effect. The facts constituting the necessity are:

14 In order to rapidly implement avian influenza early detection
15 surveillance activities and enhance California's preparedness for
16 and response to the threat of highly pathogenic H5N1 avian
17 influenza, it is necessary that this act take effect immediately.